

REMARKS

Pending are claims 1-11.

Claim Rejection – 35 U.S.C. §103

Reconsideration is respectfully requested of the rejection of Claims 1-11 under 35 U.S.C. §103 as allegedly unpatentable over Bartlett, (U.S. 3,839,425).

The Examiner has stated that Bartlett's composition of fluorinated polyether compounds differs from the present claims in that Applicants' claim a composition with an organic liquid. In claim 1, Applicants claim a solution or dispersion in an organic or aqueous liquid. The Bartlett composition has an example showing a fluorinated polyether in water with either sodium hydroxide or hydrochloric acid.

The real and inventive difference of Applicants' composition are mixtures (not a single fluorinated polyether of Bartlett) of fluoropolyether materials with a low content of smaller molecular weight fractions, i.e., "the amount of perfluorinated polyether groups in said mixture where k is 2 or less, is not more than 10% by weight of the total amount of perfluorinated polyether groups in said mixture". Bartlett is totally silent and nowhere suggests such compositions having the requisite molecular weight between 750 and 5,000 g/mol and the low proportion of material where k is 2 or less.

The advantages of the present claimed compositions is pointed out in Applicants' specification. For example at page 1, Applicants note the growing environmental awareness that prior fluorinated polyethers described as surfactants, e.g. Bartlett, no longer meet today's expectations with respect to environmental properties. "It is a particularly desired environmental property that the fluorochemical surfactants are substantially free of fluorochemical components that eliminate slowly from the body of living organisms. Additionally, it is desired that the fluorchemical surfactant have a sufficient stability under normal conditions of use and storage such that they do not decompose into fluorochemical components that eliminate slowly from the body of living organisms." (Page 1, last paragraph) On page 3, the first full paragraph, Applicants confirm that their claimed invention provides such improved and unexpected properties: "It has been found that compositions comprising fluorinated polyethers or mixtures thereof, having a molecular weight between 750 g/mol and 5000 g/mol provide compositions

having good or excellent environmental properties combined with good or excellent surfactant properties.

The Examiner has dismissed this important difference from the claimed invention and the Bartlett patent by stating that "there is nothing in the record that clearly indicates that the fluorinated polyether of Bartlett does not have weight average molecular weight between 750 g/mol and 5000 g/mol". Bartlett did not anticipate the present invention by stating of record its molecular weight limitations. The molecular weights in Bartlett are completely open and further do not teach the limitation of polyethers where k is 2 or less is not more than 10% by weight of the total amount of perfluorinated polyether groups in the mixture.

The present invention is a selection from Bartlett, which Applicants have cited in the Background of the present specification. Bartlett was not concerned with environmental problems as noted by the silence thereof in the patent. The problems addressed and solved in the present invention were not noted nor suggested in Bartlett.

Thus, where the Examiner has stated that: "Said person would have been motivated to practice the teaching of the reference cited because it demonstrates that the composition can be varied as desired", is not motivation. There is no direction to vary the composition to arrive at a problem solved here and not even addressed in Bartlett. Lacking any suggestion or motivation from Bartlett, the rejection of the claims is inappropriate and should be withdrawn.

A prompt and favorable reply is earnestly solicited.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,



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By: _____

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